

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE: Darrin D Raines

Debtor(s),

Chapter 13

Case No. 15-02951

Judge Jacqueline P. Cox

NOTICE OF MOTION

TO: SEE ATTACHED ADDRESSES

PLEASE TAKE NOTICE THAT ON December 7th 2015 at 9:00 AM, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Jacqueline P. Cox, U.S. Bankruptcy Judge, 219 S. Dearborn Street, Chicago, Illinois, room 680, and shall then and there present the attached Motion and at which time you may appear if you so desire.

CERTIFICATION

I, the undersigned Attorney, Certify that I served a copy of this Notice to the Addresses attached by electronic notice through ECF or by depositing the same at the U.S. Mail at 1 North Dearborn, Chicago, Illinois 60602 at 5:00 P.M. on November 25, 2015, with proper postage prepaid.

*THESE DOCUMENTS ARE AN
ATTEMPT TO COLLECT A DEBT AND
ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE*

Pierce & Associates, P.C.

/s/ Toni Townsend

Toni Townsend

ARDC# 6289370

1 N. Dearborn St. Suite 1300

Chicago, IL 60602

(312) 346-9088

Pierce File No. 251534

NOTICE OF MOTION ADDRESSES

To Trustee:

Tom Vaughn
55 East Monroe St.
Suite 3850
Chicago, IL 60603

by Electronic Notice through ECF

To Debtor:

Darrin D Raines
11601 S. Longwood Dr.
Chicago, IL 60643

by U.S. Mail

To Co-Debtor:

Yolanda Raines
11601 S. Longwood Dr.
Chicago, IL 60643

by U.S. Mail

To Attorney:

Charles L. Magerski
Sulaiman Law Group, LTD
900 Jorie Boulevard Suite 150
Oak Brook, IL 60523

by Electronic Notice through ECF

Pierce & Associates, P.C.
Attorney For: Creditor
1 N. Dearborn St. Suite 1300
Chicago, IL 60602
(312) 346-9088

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**MOTION TO MODIFY THE AUTOMATIC STAY AND CO-DEBTOR STAY
AND MOTION TO DISMISS**

NOW COMES Ditech Financial LLC f/k/a Green Tree Servicing LLC, by and through its attorneys, Pierce & Associates, P.C., and requests that the Automatic Stay and Co-Debtor Stay heretofore entered on the property located at 11601 S. Longwood Dr., Chicago, IL 60643, be Modified and alternatively that the above captioned Chapter 13 be dismissed, stating as follows:

1. On January 29, 2015, the above captioned Chapter 13 was filed.
2. On May 18, 2015, the above captioned Chapter 13 was confirmed.
3. Ditech Financial LLC f/k/a Green Tree Servicing LLC services the first mortgage lien on the property located at 11601 S. Longwood Dr., Chicago, IL 60643.
4. The Chapter 13 Plan calls for the pre-petition arrears to Ditech Financial LLC f/k/a Green Tree Servicing LLC to be cleared through the plan. A claim was filed in the amount of \$54,911.44.
5. The Plan calls for the debtor to be the disbursing agent for the post-petition mortgage payments directly to Ditech Financial LLC f/k/a Green Tree Servicing LLC. Post-petition payments are \$1,440.14.
6. The post-petition mortgage payments are due and owing for February 1, 2015. The default to Ditech Financial LLC f/k/a Green Tree Servicing LLC is approximately \$14,401.40 through November 2015.

7. Attorneys' fees are \$650.00 and costs are \$176.00 for filing this motion.
8. The plan is in material default.
9. Ditech Financial LLC f/k/a Green Tree Servicing LLC continues to be injured each day it remains bound by the Automatic Stay.
10. Ditech Financial LLC f/k/a Green Tree Servicing LLC is not adequately protected.
11. The property located at 11601 S. Longwood Dr., Chicago, IL 60643 is not necessary for the debtor's reorganization.
12. Ditech Financial LLC f/k/a Green Tree Servicing LLC also seeks to modify the stay as to co-debtor Yolonda Raines, pursuant to 11 U.S.C. §1301(a).
13. Ditech Financial LLC f/k/a Green Tree Servicing LLC services the underlying mortgage loan and note for the property referenced in this Motion for Relief for Ditech Financial LLC f/k/a Green Tree Servicing LLC and is entitled to proceed accordingly. Should the Automatic Stay be lifted and/or set aside by Order of this Court or if this case is dismissed or if the debtor obtains a discharge and a foreclosure action is commenced or recommended, said foreclosure action will be conducted in the name of Ditech Financial LLC f/k/a Green Tree Servicing LLC.
14. Ditech Financial LLC f/k/a Green Tree Servicing LLC has the right to foreclose because Noteholder is the original mortgagee or beneficiary or assignee of the security instrument for the referenced loan.
15. No cause exists to delay the enforcement and implementation of relief and Bankruptcy Rule 4001(a)(3) should be waived.

WHEREFORE, YOUR MOVANT respectfully prays that the Automatic Stay and Co-Debtor Stay on the property located at 11601 S. Longwood Dr., Chicago, IL 60643, be modified, and that the above captioned Chapter 13 be dismissed, and that Bankruptcy Rule 4001(a)(3) be waived as not applicable, and leave be granted to Ditech Financial LLC f/k/a Green Tree Servicing LLC to proceed with foreclosure, and for such other and further relief as this Honorable Court deems just.

Ditech Financial LLC f/k/a Green Tree Servicing LLC

/s/ Toni Townsend
Toni Townsend
ARDC# 6289370

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